Scenario 3: Talking about Crime

It is the week before the start of a trial for a case which has gained local notoriety.

An editorial in the local paper, without mentioning any specifics of this case, sets out that crime has become 'wild beast preying on the city', and that it 'lurks in every neighbourhood'.

On the first day of the case a crowd gathers outside the court, loudly demanding a 10 year prison sentence for the defendant.

How is the prosecution and sentencing of identical crimes influenced by the social and political context within which they happen?

Notes for participants

The editorial in the paper may shift what people think is a reasonable response to crime. Thibodeau and Boroditsky (2011) conducted an experiment where participants read one of two versions of a news story, that differed by the metaphor used to describe crime. The critical differences (shown in {red}) were very small):

> "Crime is a {wild beast preying on/virus infecting} the city of Addison. The crime rate in the once peaceful city has steadily increased over the past three years. In fact, these days it seems that crime is {lurking in/plaguing} every neighborhood. In 2004, 46,177 crimes were reported compared to more than 55,000 reported in 2007. The rise in violent crime is particularly alarming. In 2004, there were 330 murders in the city, in 2007, there were over 500."

Following read the news story participants were asked about the appropriate policy responses to crime. Participants who read the piece with the beast metaphor were more likely to recommend responses focussed around punishment (longer custodial sentences, increased police presence, etc). Participants who read the piece with the virus metaphor were more likely to recommend responses focussed around prevention (economic regeneration, rehabilitation of offenders).

All of social psychology suggests that the opinion of other people has a pervasive and profound impact on our own opinions, so it would be bizarre if the crowd outside the courtroom didn't influence those inside in some ways.

One additional influence may be the (legally uninformed) recommendation of a 10 year sentence. Research into the 'Anchoring effect' shows that when thinking about numbers, including prices, probabilities or prison sentences, people are prone to incorporate irrelevant information into a basis figure (anchor) from which they adjust their judgement.

For example, people's estimated of the age at death of Mahatma Gandhi to be 50 if first asked the seemingly trivial question of whether he died before or after the age of 9. Those who were first asked if he died before or after the age of 140 estimated his age at death a 67 --- a 17 year difference. The

idea being that the two numbers - 9 and 140 - although incorrect, act as anchors from which people make their estimates of the true value.

There is evidence that judges aren't immune to this effect. Enough and Mussweiler (2001) gave trial judges from one regional superior court (Landgericht) in Germany rape case materials containing either 2 month or 36 month recommended sentences (the anchors). The difference in average recommended sentences, after the judges had reviewed the materials was 28 vs 36 months.

Experiments with mock juries (e.g. Chapman & Bornstein, 1996) showed that jurors can be influenced by anchors in compensation pay outs by hundreds of thousands of dollars.

Thibodeau, P.H. and Boroditsky, L. (2011). Metaphors We Think With: The Role of Metaphor in Reasoning. PLoS ONE 6(2): e16782. doi:10.1371/journal.pone.0016782.

Enough, B., & Mussweiler, T. (2001). Sentencing Under Uncertainty: Anchoring Effects in the Courtroom. *Journal of Applied Social Psychology, 31*(7), 1535-1551.

Chapman, G. B., & Bornstein, B. H. (1996). The more you ask for, the more you get: Anchoring in personal injury verdicts. *Applied cognitive psychology, 10*(6), 519-540.

An accessible introduction to the Anchoring effect:
https://youarenotsosmart.com/2010/07/27/anchoring-effect/